REMARKS

Applicant is in receipt of the Office Action mailed June 13, 2005. Claims 1-9, 12-22, 25, 26, and 29-35 were rejected. Claims 1-35 remain pending in the application.

Claims 1-9, 12, 14-22, 25, 29-32, 34, and 35 were rejected under 35 U.S.C. §102(e) as being anticipated by Gurumoorthy et al. (U.S. Patent No. 6,829,725). Claims 13, 26, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gurumoorthy in view of Crippen et al. (U.S. Patent No. 6,688,965). Applicant respectfully traverses the rejections in light of the following remarks.

Gurumoorthy discloses a system and method of launching an operating system (OS). A firmware interface may be initially launched on a computer system. The firmware interface may comprise logic to attempt launching an operating system using an OS loader. Upon detection that the attempt is unsuccessful, the computer system may be automatically reset.

Applicant respectfully submits that Gurumoorthy fails to teach or suggest "A method of monitoring the health of a system module in a system during state transitioning...the method comprising: the system module outputting a status signal for predetermined system status points during state transitioning of the system module" as recited by claim 1 (emphasis added). The Examiner contends that these features are taught in column 6, line 21 and line 42 of Gurumoorthy. Applicant respectfully disagrees. Gurumoorthy teaches:

> At block 210, the OS loader may set a watchdog timer to a prespecified time interval, attempt to launch an operating system, and wait at diamond 212 for either a detection of a successful launch of the operating system at block 214 or an unsuccessful attempt at block 218. (Column 6, Lines 20-24)

> Block 218 detects an unsuccessful attempt to launch when the watchdog timer expires before the operating system has been launched (i.e., the processing system is considered to be "frozen"). Upon detection of such an

unsuccessful attempt, block 220 initiates a system reset at block 202. Otherwise, if the operating successfully launches before the watchdog timer expires, block 214 may disable the watchdog timer and terminate the OS loader before the operating system takes control of the processing platform at block 216. In the illustrated embodiment, block 214 may detect a successful launch of an operating system by, for example, detecting the completion of one more tasks initiated by the OS loader and the absence of one or more error conditions. (Column 6, Lines 37-49)

While Gurumoorthy teaches "the OS loader...attempting to launch an operating system" and "operating successfully launches", Gurumoorthy fails to teach or suggest **"system module outputting a status signal for predetermined system status points during state transitioning of the system module"** as recited by claim 1.

Additionally, Applicant respectfully submits that Gurumoorthy fails to teach or suggest "the **monitor module** being operable to **start a timer** on **detecting a first status signal** and **resetting the timer** on **detecting a subsequent status signal**" as recited by claim 1 (emphasis added). The Examiner contends that these features are taught in column 6, line 20 of Gurumoorthy (see above).

While Gurumoorthy teaches "the OS loader may set a watchdog timer to a prespecified time interval, attempt to launch an operating system, and wait at diamond 212 for either a detection of a successful launch of the operating system at block 214 or an unsuccessful attempt at block 218", Gurumoorthy fails to teach or suggest **"the monitor module being operable to start a timer on detecting a first status signal and resetting the timer on detecting a subsequent status signal"** as recited by claim 1.

The Examiner further contends that the system "at block 210 sets the watchdog timer for each iteration of the depicted loop, wherein bock 220 is looped back to block 202. Thus, a second iteration of the depicted flowchart would involve a resetting of the watchdog timer", and "The condition of operating system successfully loading is monitored in each successive iteration instruction 212 in the disclosed programming loop,

thereby demonstrating claimed first status signal and subsequent status signal." Applicant respectfully disagrees.

Applicant reminds the Examiner that anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

While Gurumoorthy teaches "the OS loader may set a watchdog timer to a prespecified time interval...and wait at diamond 212 for either a detection of a successful launch of the operating system at block 214 or an unsuccessful attempt at block 218", Gurumoorthy fails to teach "**the monitor module being operable to start a timer on detecting a first status signal**" as recited in claim 1. In addition, Gurumoorthy fails to teach "**the monitor module being operable to...resetting the timer on detecting a subsequent status signal**" as recited in claim 1. In fact, Gurumoorthy teaches away from this feature in that "if the operating successfully launches before the watchdog timer expires, block 214 may **disable** the watchdog timer". (Gurumoorthy , Column 6, Line 42-44) (Emphasis added)

Furthermore, Gurumoorthy discloses an OS loader in the firmware but does not teach or suggest a system module, operationally connected to a monitor module, which undergoes state transitioning.

Claims 10, 11, 23, 24, 27, and 28 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For the reasons stated above, Applicant asserts that claims 10, 11, 23, 24, 27, and 28 are allowable as depending from allowable base claims. Applicants therefore respectfully request allowance of claims 10, 11, 23, 24, 27, and 28 as currently pending.
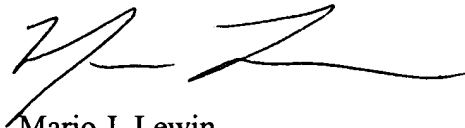
For at least the reasons discussed above, Applicant respectfully submits that independent claims 1, 14, 29, 34, and 35 are patentably distinct from Gurumoorthy and Crippen, both individually and in combination. The remaining dependent claims provide additional limitations to the independent claims. Therefore, Applicant submits that claims 1-35 are in condition for allowance. Applicant respectfully requests withdrawal of the §102(e) and §103(a) rejections.

CONCLUSION

In light of the foregoing amendments and remarks, Applicants submit that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

The Commissioner is authorized to charge any fees which may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5681-71200/BNK.

Respectfully submitted,

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